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6/10/04

Attorney Docket No. 99476

Smith (132)
of
7/14/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Kennedy et al.

Serial No. 10/775,263

Filed 10 February 2004

: Title: METHOD AND APPARATUS
: FOR REDUCING SEGREGATION
: IN METALLIC INGOTS
:
:

RESPONSE TO "45 DAY LETTER", FORM PTOL-456

Pittsburgh, Pennsylvania 15222
10 June 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Licensing and Review

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Sir:

Applicant received the attached "45 Day Letter", Form PTOL-456, in the above-referenced application. The 45 Day Letter lists its mailing date as 11 May 2004 and, therefore, the deadline to reply to the letter is 25 June 2004.

In reply to the 45 Day Letter, Applicant submits the attached Declaration, which each inventor named in the Subject Application has signed. The Declaration provides facts concerning the circumstances under which the invention of the Subject Application was made and conceived and reflects the general substance of the exemplary property rights statement that accompanied the 45 Day Letter.

Should you have any questions regarding this submission, please contact the undersigned attorney for Applicant.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mark R. Leslie".

Mark R. Leslie
Registration No. 36,360

Attorney for Applicant

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Telephone: (412) 355-6271
Fax: (412) 355-6501

Enclosure

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Kennedy et al. : Title: METHOD AND APPARATUS
Serial No. 10/775,263 : FOR REDUCING SEGREGATION
Filed 10 February 2004 : IN METALLIC INGOTS

Commissioner for Patents
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EXPRESS MAIL CERTIFICATE

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I hereby certify that the following attached paper or fee

Response to "45 Day Letter", Form PTOL-456

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: **Commissioner for Patents, P.O. Box: 1450, Alexandria, VA 22313-1450, Attention: Licensing and Review**

Beth H. Retort

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/775,263	02/10/04	KENNEDY, ET AL.	TAV-1829

PATRICK J. VICCARO
ALLEGHENY TECHNOLOGIES INCORPORATED
1000 SIX PPG PLACE
PITTSBURGH, PA 15222-5479

EXAMINER	
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**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 305-4191.

(703) 305-0241

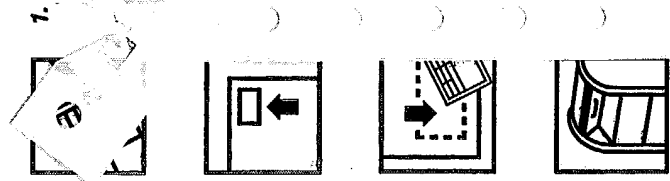
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FROM: (PLEASE PRINT) PHONE ()
Mark R. Leslie, Esq.
Kirkpatrick & Lockhart LLP
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